

COUNCIL BRIEFING REPORT SUMMARY

PANEL REFERENCE/ DA NUMBER	PPSSTH-350 / DA2023.299
LGSA	Bega Valley Shire Council
PROPOSAL	Alterations to existing education facility, a secondary storey addition over existing classrooms and associated outdoor covered areas.
ADDRESS	64 Culgoa Crescent, Pambula Beach being Lot 388 DP750227 and Lot 485 DP728071
APPLICANT/OWNER	Applicant: Austin McFarland Pty Ltd Owners: Trustees of the Roman Catholic Church for the Archdiocese of Canberra & Goulburn
APPLICATION TYPE	Educational Development
CIV	\$8,676,800
REGIONAL DEVELOPMENT CRITERIA (SCHEDULE 6 OF THE SEPP (PLANNING SYSTEMS) 2011)	State Environmental Planning Policy (Planning Systems) 2021: Schedule 6- Regionally Significant Development – Item 5: Private Infrastructure and community development (educational establishment) that has an estimated development cost of more than \$5 million.
PROPOSED DEVELOPMENT	<p>The proposed alterations and additions to the existing building include joining block B TAS and C Science Building extending to the west only extension to the south is the inclusion of perforated metal screens.</p> <p><u>Block B Learning Spaces</u></p> <ul style="list-style-type: none"> Addition of 1st floor to accommodate classrooms comprising general learning areas and break out spaces. <p><u>Block C Learning Spaces</u></p> <ul style="list-style-type: none"> Extension to building to the southern elevation with cut metal screening.

	<ul style="list-style-type: none"> • Extension to building to the western elevation to provide a new covered outdoor learning area. • New workshops • Machine rooms • Materials handling space • Classrooms • Adaptable spaces so can have smaller rooms with lab beside or large classrooms. <p>The alterations and additions are not to increase the capacity of the school but to create adaptable and flexible learning spaces and staff facilities to better utilise the site and provide modern learning facilities for students, teachers and the school community to meet the expectation of staff, students and carers.</p>
KEY SEPPS/ LEP	<p>SEPP (Resilience and Hazards) 2021</p> <p>SEPP (Biodiversity and Conservation) 2021</p> <p>SEPP (Transport and Infrastructure) 2021</p> <p>Bega Valley Local Environmental Plan 2013</p>
REFERRALS	<p>External:</p> <ul style="list-style-type: none"> • NSW Rural Fire Service <p>Internal:</p> <ul style="list-style-type: none"> • Water and Sewer Services • Building Services
PUBLIC CONSULTATION	<p>Submissions = Nil</p>
DOCUMENTS SUBMITTED WITH THIS REPORT FOR THE PANEL'S CONSIDERATION	<p>Attachment 1: Draft Conditions of consent</p> <p>Attachment 2: Statement of Environmental Effects</p> <p>Attachment 3: Construction Environmental Management Plan</p> <p>Attachment 4: Amended plans of the proposal</p> <p>Attachment 5: Bushfire Assessment Report</p>
SUMMARY OF KEY ISSUES	<p>a) Management of construction impacts</p> <p>b) Architectural Design</p>

REPORT PREPARED BY	Michael Brewer, Consultant Planner for Bega Valley Shire Council
REPORT DATE	14 November 2024

SUMMARY OF S4.15 MATTERS:

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	YES
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?	YES
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	N/A
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S7.24)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	No
Conditions Have draft conditions been provided to the applicant for comment?	Yes

1. EXECUTIVE SUMMARY:

Reasons for Report:

This report has been prepared for the Southern Regional Planning Panel as the Panel, as the proposal is classified as Regionally Significant Development as the CIV exceeds \$5M.

Key Issues Summary:

The assessment of the proposal has identified the following matters that have warranted closer review:

- a) Management of construction impacts.
- b) Architectural Design.

Public Submissions Summary:

Public notification of the application was undertaken between 18 March 2024 to 5 April 2024. No submissions were received from the community.

External Agency Engagement:

Council engaged with the following external agencies as part of its assessment of the application:

- NSW Rural Fire Service.

The development is classed as Integrated Development as approval is required under the Rural Fires Act 1997. The NSW Rural Fire Service raised no objections and have issued their General Terms of Approval.

Internal Department Referrals:

The application was referred to the following internal departments for comment:

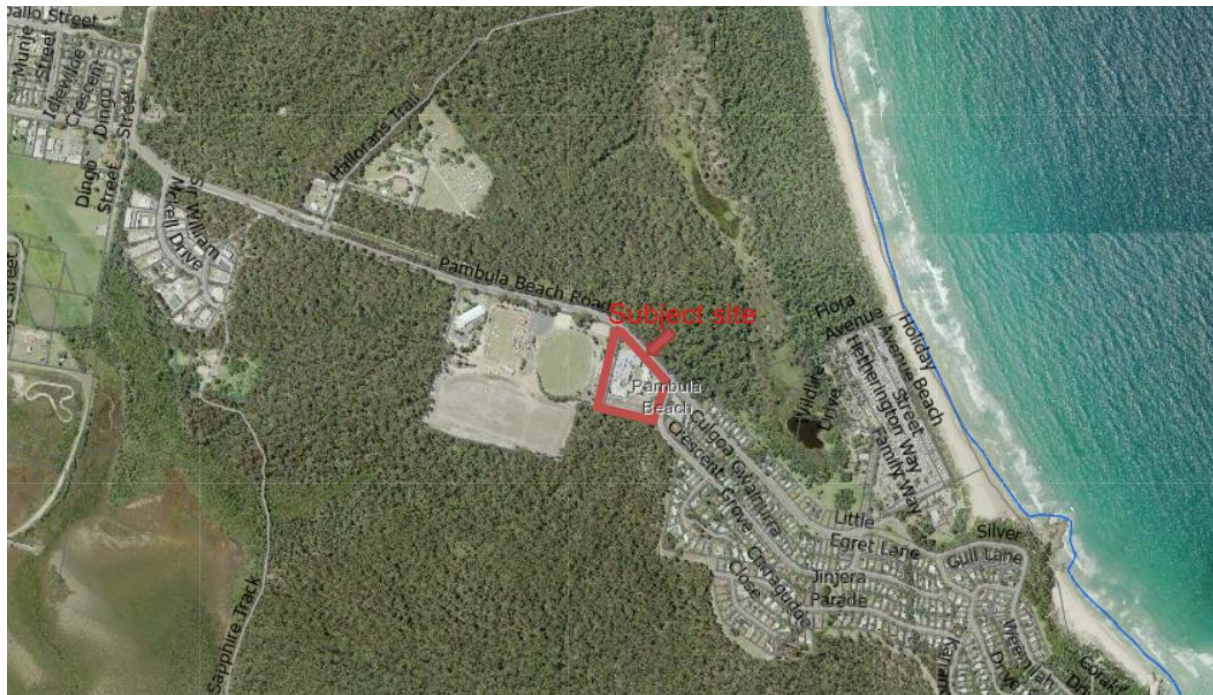
- Water and Sewer Services.
- Building Services.

No objections were raised by either department subject to standard conditions of approval.

Recommendation – Approval:

Having reviewed the application against the relevant and applicable statutory provisions and considered the information submitted, Council is of the view that there are no statutory reasons why the application cannot be approved by the Panel. Accordingly, approval, subject to conditions (See Attachment 1) is recommended.

FIGURE 1 – LOCALITY PLAN



SOURCE: Council ESRI Information System 2024

2. DESCRIPTION OF THE PROPOSAL:

The proposal involves alterations and additions to the existing educational establishment. This comprises joining Block B (TAS) and Block C (Science) and extending along the western side of the ground floor and constructing a new first floor over the southwestern portion of the building (See Figures 2 to 8 below). The works include:

Ground floor:

- Removal of twelve (12) non-native planted shrubs and trees.
- Demolition of internal walls and replanning of classrooms including; breakout spaces, service spaces and storerooms, new pedestrian lift to first floor, new unisex and disabled toilets and new chemical store.
- New covered outdoor area and pedestrian access along the western side of Block C.
- New outdoor seating area on the western side of Block B and a new landscaped courtyard on the eastern side.
- Additional student locker facilities.
- New external door allowing access to corridor on Block A

First Floor:

- New first floor to Block B to include eight (8) new GLA's (classrooms), a new breakout space, a covered terrace facing inwards with external access to the new courtyard and a cleaner's store, accessible toilet and a unisex toilet.
- Installation of a passenger lift to ground floor

On the exterior of the building, a new decorative perforated metal screen is to be applied to provide sun and weather protection to the proposed first floor. The screen is to appear as a row of trees.

According to the submitted documentation including the Statement of Environment Effects (See Attachment 2), the alterations and additions are not to increase the capacity of the school but to create adaptable and flexible learning spaces and staff facilities to better utilise the site and provide modern learning facilities for students, teachers and the school community to meet the expectation of staff, students and carers.

FIGURE 2 - SITE PLAN:



The site plan shows the proposed layout of the school building, including the following spaces and features:

- Block C Learning Spaces Proposed:** Located in the upper left, this section includes a Project Room, Workshop, Machine Room, and Circulation areas.
- Block B Learning Spaces Proposed:** Located in the lower left and center, this section includes a Science Lab-Physics, Science Lab, Science Prep, Science Lab, and Circulation areas.
- Block A Administration Learning Spaces Existing:** Located on the right side of the plan, this section includes a Chapel, Store, and Circulation areas.
- Other Spaces:** The plan also shows a Covered Outdoor Area, a Machine Room, a Construction area, a Makerspace, a Staff Resource, a Staff Lunchroom, and an Office AP.
- Site Features:** The plan includes a 12900 Setback line, a 19' setback line, and a 12900' setback line. It also shows a 12900' setback line, a 19' setback line, and a 12900' setback line.
- Proposed Open Space:** A large area of open space is located in the upper right, labeled "OPEN SPACE".
- Proposed Green Space:** A large area of green space is located in the lower right, labeled "PROPOSED GREEN SPACE".
- Other Labels:** The plan includes labels for "COLA" (Community Open Land Area) and "COLA" (Community Open Land Area).

The site plan illustrates the layout of the University of the Pacific campus, highlighting existing and proposed structures and learning spaces. Key features include:

- Existing Buildings:**
 - Block I:** Demountable Learning Spaces.
 - Block C:** Existing Learning Spaces.
 - Block A:** Existing Administration and Learning Spaces.
- Proposed Buildings:**
 - Block B:** Proposed Learning Spaces, located centrally and outlined in blue.
 - Block C':** Proposed Learning Spaces, located to the north of Block B and outlined in blue.
- Open Spaces:** Several areas are designated as "OPEN SPACE," including a large area to the north of Block C' and another to the east of Block A.
- Other Features:**
 - COLA:** Circulation and Open Learning Area, shown as hatched regions.
 - 12900 SETBACK:** A boundary line on the left side of the plan.
 - Boundary:** A dashed line on the far left indicates the property boundary.
 - Proposed Works:** Indicated by dotted blue lines.

[illegible]

FIGURE 6 – WESTERN ELEVATION (WITH SCREEN)



FIGURE 7 – SOUTHERN ELEVATION (NO SCREEN)



FIGURE 8 – WESTERN ELEVATION (NO SCREEN)



3. DESCRIPTION OF THE SITE AND LOCALITY

3.1. THE SITE:

The Site, as shown in Figures 1 and 9, is known as 64 Culgoa Crescent, Pambula Beach and is located within the Bega Valley Shire Local Government Area. It is legally described as Lot 388 DP750227 and Lot 485 DP728071 and has a total area of 2.68Ha. The Site is located on the western side of the Pambula Beach township and has road frontages to Culgoa Crescent and Pambula Beach Road.

The Site contains an existing primary and secondary school, known as the Lumen Christi Catholic College. The co-educational school currently has approval for a maximum of 671 students from K-12 with a teaching staff of 64 FTE. Access to the existing car park is via Culgoa Crescent, which is also connected to a second access road around the perimeter of

the Site, which connects to both Culgoa Crescent and Pambula Beach Road. Photos of the Site taken during the site inspection are provided in Appendix 1.

FIGURE 9 – THE SITE



SOURCE: WWW.MAPS.SIX.NSW.GOV.AU 2024

3.2. THE LOCALITY:

The surrounding developments in the immediate vicinity to the west include a public sporting complex with playing fields, skate park and the Sapphire Aquatic Centre, while to the east lies a range of detached and attached low and medium density housing. The remainder of the surrounding lands to the north and south are reserved as National Park. The site adjoins Pambula Beach Road which provides access to Pambula and the Princes Highway.

STATUTORY CONTEXT

3.3. REGIONAL SIGNIFICANCE

The proposal is considered Regionally Significant development (RSD) which is a category of development requiring consent under Part 4 of the EP&A Act. RSD are categorised in SEPP (Planning Systems) 2021 in Schedule 6 to include:

- General development over \$30 million
- Council related development over \$5 million
- Crown development over \$5 million
- Private infrastructure and community facilities over \$5 million
- Other categories

As the proposal is "Private infrastructure and community facilities over \$5 million", the development is considered RSD. Section 4.5 of the EP&A Act stipulates that the Southern Regional Planning Panel is the consent authority for RSD. As such, the proposal has been referred to the Panel for determination.

3.4. PERMISSIBILITY

The site is zoned R3 Medium Density Residential in the Bega Valley Local Environmental Plan 2013 (BVLEP). The proposed development represents alterations and additions to an Educational Establishment, which is defined as:

a building or place used for education (including teaching), being—

- (a) a school, or*
- (b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.*

The proposal falls under Item 3 – Permitted with consent as "Any other development not specified in Item 2 or 4" in the Land Use Table. An Educational Establishment is not specifically identified as a prohibited use.

3.5. OTHER APPROVALS

The proposal constitutes "Integrated Development" as a Bushfire Safety Authority pursuant to Section 100b of the Rural Fires Act 1997 is required. The application has provided a Bushfire Assessment Report (See Attachment 5), and it has been assessed by the NSW Rural Fire Services who have issued their General Terms of Approval. These are included in the draft conditions of Consent included as Attachment 1.

4. S.4.15 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 – ASSESSMENT:

The relevant matters for consideration under section 4.15 of the *Environmental Planning and Assessment Act 1979* are assessed under the following headings. Where a provision is not relevant to the proposal, it has been omitted from this report.

4.1. ENVIRONMENTAL PLANNING INSTRUMENTS (s. 4.15(1)(a)(i))

The proposal has been assessed against the relevant provisions of the applicable Environmental Planning Instruments in Table 1 below:

TABLE 1 - STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS):

SEPP (BIODIVERSITY AND CONSERVATION) 2021 (BC SEPP)		
RELEVANT PROVISION	COMMENT:	COMPLIANCE:
Chapter 2 – Vegetation in Non-rural Areas	<p>Is the Site within an LGA listed in Section 2.3?</p> <p>YES <input type="checkbox"/> NO <input checked="" type="checkbox"/></p> <p>The Bega Valley Shire is not listed and therefore Chapter 2 does not apply.</p>	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p> <p>N/A <input checked="" type="checkbox"/></p>
Chapter 4 – Koala Habitat Protection 2021	<p>KHP21 applies to all land within the Bega Valley Shire excluding that which is zoned RU1, RU2 and RU3 pursuant to Section 4.4 (3)(d). The LGA does not however have an approved Koala Plan of Management (KPoM). The site is generally clear of vegetation and the removal of the one tree would not impact on Koala Feed Trees.</p>	<p>YES <input checked="" type="checkbox"/></p> <p>NO <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>
SEPP (RESILIENCE AND HAZARDS) 2021 (RH SEPP)		
RELEVANT PROVISION	COMMENT:	COMPLIANCE:
Chapter 2 – Coastal Management	<p>Is the Site mapped as?</p> <p>Coastal Wetland YES <input type="checkbox"/> NO <input checked="" type="checkbox"/></p> <p>Coastal Vulnerability Area: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/></p> <p>Coastal Environment Area: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/></p> <p>Coastal Use Area YES <input type="checkbox"/> NO <input checked="" type="checkbox"/></p>	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p> <p>N/A <input checked="" type="checkbox"/></p>

Chapter 4 – Remediation of Land	<p>Pursuant to Clause 4.6(1), the Consent Authority must consider whether the land is contaminated and if so, whether it can be suitably remediated.</p> <p>The proposal does not result in a change of land use as per Table 1 of the <i>Managing Land Contamination – Planning Guidelines SEPP 55 – Remediation of Land</i>. Historical aerial photos identify the Site as untouched bushland in 1948. The 1989, 1994 and 1998 historical aerial photos show the site having been developed as a bowling club with three bowling greens in use in. The school was subsequently established in 2001. Accordingly, given the nature of the proposal, it is not deemed necessary to require further investigations.</p>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
Is the Site suitable in its current state for the intended use?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
Is remediation required?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> Minimal contamination risk and thus a preliminary investigation report is not required to be submitted.	YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
SEPP (SUSTAINABLE BUILDINGS) 2022		
RELEVANT PROVISION	COMMENT:	COMPLIANCE:
Chapter 1 – Preliminary	The SEPP came into effect on 22 September 2022, replacing SEPP (Building Sustainability Index: BASIX) 2004 for all development applications submitted after 1 October 2023. Accordingly, the SEPP does not apply to the proposal.	YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
SEPP (Resources and Energy) 2021		
RELEVANT PROVISION	COMMENT:	COMPLIANCE:
2.19 Compatibility of proposed	The site is not in the vicinity of any existing mine, petroleum production facility or extractive industry, or identified on a map (being a map that is approved and	YES <input type="checkbox"/> NO <input type="checkbox"/>

development with mining, petroleum production or extractive industry	signed by the Minister and copies of which are deposited in the head office of the Department and publicly available on the Department's website) as being the location of State or regionally significant resources of minerals, petroleum or extractive materials.	N/A <input checked="" type="checkbox"/>
SEPP (TRANSPORT AND INFRASTRUCTURE) 2021		
RELEVANT PROVISION	COMMENT:	COMPLIANCE:
Chapter 3: Part 3.1 – Preliminary		
3.1 Aims of Chapter	The proposal seeks to enhance the teaching facilities at an existing school by largely building within the existing footprint. The proposal is not inconsistent with the stated Aims of the Chapter.	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
3.3 Interpretation	The Site is used for the purposes of a “ <i>educational establishment</i> ”, which is defined as: ... a building or place used for education (including teaching), being— (a) a school, or (b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
Chapter 3: Part 3.4 – Schools – specific development control		
3.36 Schools – development permitted with consent	Is the Site within a <i>prescribed zone</i> ? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> The subject site is zoned R3 Medium Density Residential, which is listed as a Prescribed Zone. Does the proposal include a purpose listed in Section 3.40(1) or 3.41(2)(e)? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> The proposal includes a “teaching facility” which includes classrooms, which are variously described on the plans as “GLA/ Science Lab/ Workshop/ Machine Room”.	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>

	<p>Has the applicant addressed the following matters:</p> <p>(a) the design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 8, and</p> <p>(b) whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.</p> <p>Refer to Schedule 8 assessment below.</p>	<p>YES <input checked="" type="checkbox"/></p> <p>NO <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>
Schedule 8 - Design quality principles in schools		
Principle 1— context, built form and landscape	<p>Has Principle been satisfied:</p> <p>The proposal is consistent in terms of height and external appearance, bulk and scale with the existing school buildings. The use of decorative perforated metal screen on the upper level also reflects the surrounding bushland and also provides sun control on the western elevation.</p> <p>The proposal includes a new courtyard to improve the internal amenity of the school. Given its location, the proposed works will not have a detrimental visual impact on the streetscape.</p>	<p>YES <input checked="" type="checkbox"/></p> <p>NO <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>
Principle 2— sustainable, efficient and durable	<p>Has Principle been satisfied:</p> <p>The use of perforated metal screens will assist in climate control by shading the western elevation and the provision of a covered outdoor learning area on the western side of the building as well as a covered terrace on the eastern side will also assist with weather protection and reduce the reliance on air conditioning.</p> <p>The subject proposal, which seeks to upgrade existing classrooms, demonstrates the existing school has been based on an adaptive approach to meet evolving curriculum needs.</p>	<p>YES <input checked="" type="checkbox"/></p> <p>NO <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>

Principle 3— accessible and inclusive	<p>Has Principle been satisfied:</p> <p>Although the application is not supported by a disabled access assessment, it incorporates a new passenger lift and the school's existing wayfinding and directional measures can be applied to the new classrooms, with suitable conditions imposed in this regard.</p>	<p>YES <input checked="" type="checkbox"/></p> <p>NO <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>
Principle 4— health and safety	<p>Has Principle been satisfied:</p> <p>The proposal does not compromise the health, safety and security measures in place at the school.</p>	<p>YES <input checked="" type="checkbox"/></p> <p>NO <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>
Principle 5— amenity	<p>Has Principle been satisfied:</p> <p>The proposal provides a range of spaces, both indoor and outdoor, to facilitate formal education, as well as spaces that encourage social interaction, study and recreation. The additions will not compromise the amenity of nearby residential properties as the development is on the western portion of the Site, which adjoins bushland and public recreational facilities.</p>	<p>YES <input checked="" type="checkbox"/></p> <p>NO <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>
Principle 6— whole of life, flexible and adaptive	<p>Has Principle been satisfied:</p> <p>The design itself reflects the adaptive use of the existing Blocks, changing to meet contemporary curriculum and technological needs. A number of the classroom spaces (GLA's) have been designed for a variety of studies to be taught and activities to be undertaken.</p>	<p>YES <input checked="" type="checkbox"/></p> <p>NO <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>
Principle 7— aesthetics	<p>Has Principle been satisfied:</p> <p>The proposal is to be constructed using materials and colours that are similar to the existing school buildings. The exterior façade also incorporates decorate perforated metal screens that are intended to reflect the surrounding bushland. The overall design qualities of the proposal will not detract from the streetscape or be incompatible with the existing neighbourhood context.</p>	<p>YES <input checked="" type="checkbox"/></p> <p>NO <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>

REGIONAL ENVIRONMENTAL PLANS (REPS) – DEEMED SEPPS – N/A

TABLE 2 - CHAPTER 4 - KOALA HABITAT PROTECTION 2021 – SEPP (BIODIVERSITY AND CONSERVATION) 2021

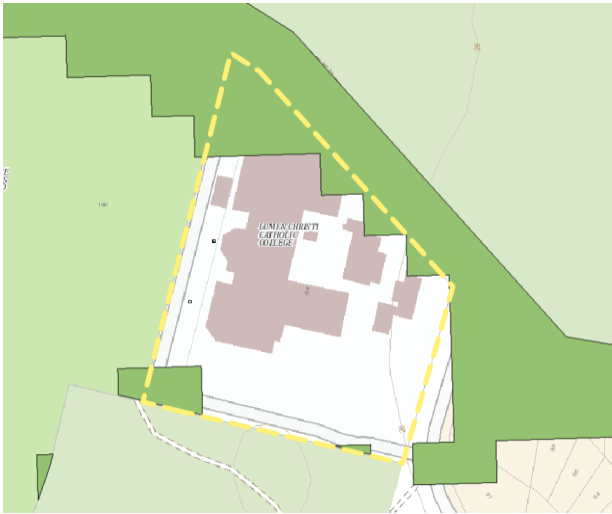
SECTION 4.9 ASSESSMENT:	RESPONSE
<p>Step 1: Does the KHP21 apply?</p> <p>Is the site:</p> <p>(a) Listed in Schedule 2? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/></p> <p>(b) At least 1 hectare (including adjoining land within the same ownership) YES <input checked="" type="checkbox"/> NO <input type="checkbox"/></p> <p>(c) Exempt Land) YES <input type="checkbox"/> NO <input checked="" type="checkbox"/></p> <p>(d) Is there an approved Koala Plan of Management?</p> <p style="text-align: right;">YES <input type="checkbox"/> NO <input checked="" type="checkbox"/></p>	<p>YES <input checked="" type="checkbox"/></p> <p>Then go to Step 2</p> <p>NO <input type="checkbox"/></p> <p>Then no further assessment required</p> <p>N/A <input type="checkbox"/></p>
<p>Step 2: Will the development likely have any impact on koalas or koala habitat?</p> <p style="text-align: right;">YES <input type="checkbox"/> NO <input checked="" type="checkbox"/></p> <p>The proposal includes the removal of a number of non-native planted species that will not reduce the available potential feed trees.</p>	<p><input type="checkbox"/> Yes (go to Step 3)</p> <p><input checked="" type="checkbox"/> No or Low (No further assessment required)</p>
<p>Step 3: Is a Koala Assessment Report required?</p> <p style="text-align: right;">YES <input type="checkbox"/> NO <input checked="" type="checkbox"/></p> <p>The submitted plans demonstrate that the trees are within the existing school grounds and close proximity to the existing buildings. The SEE notes that the trees consist of non-native species and were planted by the school. Accordingly, it is accepted that the school does not contain Core Koala Habitat.</p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p> <p>No further assessment required)</p>

TABLE 3 – OTHER ENVIRONMENTAL PLANNING POLICIES SECTION 4.15 (1)(A)(II)

BEGA VALLEY LOCAL ENVIRONMENTAL PLAN 2013		
RELEVANT PROVISION	COMMENT:	COMPLIANCE:
1.2 Aims of Plan	The proposal, being for alterations and additions to an existing school is considered to be consistent with the aims of the Plan.	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
2.1 Zoning	The Site is zoned R3 – Medium Density Residential. The proposal falls under the heading of “Any other development not specified in Item 2 or 4”. An Educational Establishment is not specifically identified as a prohibited use.	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
2.3 Zoning Objectives	The proposal, being for alterations and additions to an existing educational establishment, is not inconsistent with the zone objective: <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
2.7 Demolition Requires Development Consent	The application seeks the requisite approval for the proposed demolition activities.	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
4.3 Height of Buildings	The Site is subject to a maximum building height of 10m according to the BVLEP Zoning Maps. The application proposes a maximum height of 9.6 metres, which complies.	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
4.4 Floor Space Ratio	The Site is subject to a maximum FSR of 0.6:1 according to the BVLEP Maps. The application proposes an FSR of 0.32:1, increasing slightly from an existing FSR of 0.27:1. The proposal remains compliant.	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
5.10 Heritage Conservation	<u>European Heritage:</u> Is the Site a heritage item/ Conservation Area? The proposal is not located in the vicinity of any	YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

	heritage item or Heritage Conservation Area.	
	<u>Aboriginal Cultural Heritage:</u> The Due Diligence Code of Practice for the Protection of Aboriginal Objects NSW (DDCP) process has been undertaken as per the following:	
	Due Diligence – Step 1:	Comment:
	Will the proposal disturb the ground surface or any modified trees? (Note: considered potential for tree root impacts)	Yes – within existing school grounds and largely within existing building footprint. Prior to this, the Site had been levelled and uses as a bowling club.
	Due Diligence – Step 2a:	Comment:
	Is the site listed and described in LEP Schedule 5 as an Aboriginal Place of Heritage Significance?	Not listed
	Is the site mapped within the AHIMS and Aboriginal Place Buffer overlay/s? (Check Councils cultural mapping layers and ensure the cultural landscape level is reviewed – approx. 2km to 5km radius around the site).	No sites or places within 200m. Located within High Sensitivity mapped area detailed under BVLEP mapping.
	AHIMS search (Valid for max. 12 months):	Search undertaken by applicant 22 August 2023 with no site identified.
	Is there any other sources of information available? (e.g. local knowledge, verbal correspondence, written reports, previous studies)	None known.
	Due Diligence – Step 2b -	Comment:
	Is the site located:	
Within 200m of waters?	The Site is not within 200m of	

	Note: <i>"Waters' means the whole or any part of: any river, stream, lake, lagoon, swamp, wetlands, natural watercourse, tidal waters (including the sea). Note: the boundary or tidal waters is defined as the high water mark."</i>	any waters.
	Within a sand dune system? Note: <i>"Refers to sand ridges and sand hills formed by the wind, usually found in desert regions, near a lake or in coastal areas. In areas of western NSW, windblown dunes can occur along the eastern edges of ephemeral lakes (called lunettes dunes). They can also occur along the banks of rivers."</i>	The Site is not within a dune system.
	On a ridge top, ridge line or headland?	The Site is not on any of these features.
	Within 200m below or above a cliff face?	The Site is not within 200m of any cliffs.
	Within 20m of or in a cave, rock shelter, or a cave mouth and is on land that is not disturbed land?	The Site is not within 20m of any known caves.
	Due Diligence recommendation:	It is considered a low risk probability of objects occurring in the area. An advisory note to proceed with caution regarding Aboriginal archaeology per the <i>National Parks and Wildlife Act 1974</i> is included in the consent.
6.1 Acid Sulfate Soils	The Site is not identified as containing Acid Sulfate Soils.	YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

6.2 Earthworks	<p>Maximum depth of 1m proposed. The Site has been extensively modified through the formation of the bowling greens of the previous bowling club that once existed on the site and subsequent redevelopment for the school. Having regard to the matters listed in Cl. 6.2(3)(a-h) the proposal will not have any significant adverse impacts.</p>	<p>YES <input checked="" type="checkbox"/></p> <p>NO <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>
6.5 Terrestrial Biodiversity	<p>Will any land mapped biodiversity be affected?</p> <p>Although the Site has portions mapped as Terrestrial Biodiversity, the proposed works do not intrude upon these areas.</p>  <p>It is noted that the mapping overlaps the existing building, and accordingly, such areas do not contain any vegetation. The proposal will not have any adverse impacts on the vegetation, its ecological value or condition.</p>	<p>YES <input checked="" type="checkbox"/></p> <p>NO <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>
6.6 Riparian Land and Adjoining Waterways	<p>The Site is not within a mapped riparian area.</p>	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p> <p>N/A <input checked="" type="checkbox"/></p>

4.2. DRAFT EPIs (s. 4.15(1)(a)(ii))

YES ☐ NO ☐ N/A ☒

There are no draft Environmental Planning Instruments applicable to the site or proposed use.

4.3. DEVELOPMENT CONTROL PLAN (s. 4.15(1)(a)(iii))

Overview and General Comment:

From a statutory perspective, while not holding the same power of an BVLEP or relevant SEPPs, BVDCP has an important role to play in the assessment and determination of a development application. BVDCP provides the guidance and controls necessary to effect the aims of the SEPPs and BVLEP, and facilitates permissible development by helping to shape the space in which that development can be undertaken in a manner that ideally, will not cause adverse impacts, and they seek to fulfill the particular objectives of each zone.

In this instance, BVDCP applies and an assessment of the relevant provisions is provided in Table 4 below.

TABLE 4 – COMPLIANCE ASSESSMENT - BEGA VALLEY DEVELOPMENT CONTROL PLAN 2013 (BVDCP):

RELEVANT PROVISION	COMMENT:	COMPLIANCE:
Part 5 – General Development		
5.1 Aboriginal Heritage	Refer to LEP assessment above. 200m AHIMS search has not identified any Aboriginal Places or Sites and given the property has been extensively modified in the past and the majority of the work is within the building footprint, the proposal is acceptable.	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
5.2 Non-Aboriginal Heritage	Refer to BVLEP assessment above. The proposal will not affect any heritage items or Conservation Areas.	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
5.3 Access and Mobility	<p>The existing school presently provides a range of accessibility options and Council's Building Surveyor raises no objections to the proposal on the basis of access and mobility compliance under the BCA.</p> <p>During the Site visit, the Panel queried whether the proposal included a passenger lift to the first-floor areas, with the Applicant confirming all first floor areas were accessible via the proposed passenger lift. Council's standard conditions regarding compliance with AS1428- Design for Access and Mobility have been included in the recommended conditions included as Attachment 1.</p>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>

RELEVANT PROVISION	COMMENT:	COMPLIANCE:
5.4 Social and Economic Impacts	The proposal does not trigger the need for a Social Impact Assessment to be prepared. Notwithstanding this, the proposal will not result in any significant adverse social or economic impacts.	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
5.5 Sustainable Design Principles	The proposal does not trigger the need for a Sustainable Design Management Plan.	YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
5.6 Tree and Vegetation Preservation	The proposal does not require the removal of any native vegetation, although a number of non-native trees will be removed. A new landscaped courtyard is proposed, which will include additional landscaping opportunities and conditioned accordingly.	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
5.8 Planning for Hazards: 5.8.4 – Bushfire Prone Land	The Site is mapped as being within a Vegetation Buffer. The application is supported by a Performance Based Bushfire Assessment Report, which was referred to the NSW Rural Fire Service as Integrated Development. The NSW Rural Fire Service has raised no objections to the proposal, with General Terms of Approval provided and, on this basis, the proposal is deemed to satisfy the BVDCP requirements.	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
5.9 Off Street Car and Bicycle Parking	The proposal does not generate the demand for more on-site carparking despite the additional classrooms and facilities, with the applicant stating there will be no increase in student numbers or staff. Suitable conditions reinforcing this have been included in the recommendation conditions of consent.	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
2.4.6 – Assessment Procedures for Heritage Conservation	As above and as per the comments provided by Heritage NSW, CAP and Council's Heritage Advisor.	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>

4.4. PLANNING AGREEMENTS (s. 4.15(1)(a)(iia)) YES ☐ NO ☐ N/A ☒

4.5. ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2021 (S.

4.15(1)(A)(IV))

YES ☒ NO ☐ N/A ☐

The application satisfactorily meets the relevant requirements of the EP&A Regulation 2021, including the procedures relating to applications (Part 3 of the EP&A Regulation 2021) and public participation procedures for development that requires consent.

4.6. THE LIKELY IMPACTS OF THE DEVELOPMENT (s. 4.15(1)(b)(i))

The proposal has been assessed against the relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, the Bega Valley Local Environmental Plan 2013, Bega Valley Development Control Plan 2013 and applicable State Environmental Planning Policies and associated guidelines. The impacts associated with this development have been identified through extensive desktop and field inspections of the Site and surrounding area, a review of the proposal against the applicable planning and environmental controls as well as formal comment and feedback by the relevant stakeholders.

As demonstrated throughout this report, the potential impacts are generally limited to those tied to the appearance of the proposal and how impacts during construction can be suitably managed. The assessment of the proposal (as demonstrated in this report) shows that it will have an acceptable level of impact in terms of:

- Amenity.
- The natural environment.
- The built environment.
- Social impacts.
- Economic impacts.

The proposal is both compatible with and consistent in terms of height, bulk, scale, size and external appearance within the surrounding built environment and any potential impacts can be mitigated or suitably conditioned. Specific design-related matters have been addressed in Table 1 above, leaving the matter of potential impacts during the construction phase to be addressed below.

Construction Management:

One of the critical elements of the proposal is how to manage the construction process in a way that minimises the impacts on the staff and students at the school. The potential impacts of this phase of the development were identified during the site inspection where the proximity of the proposed work area to areas used for student learning and play/ socialising and vehicular access became evident. This is further compounded by the anticipated 16-month construction timeframe, the proximity to the pedestrian access to the adjacent sporting facilities, potential impacts to students during exams and the opportunities in the surrounding area for students (and therefore construction workers) to park their cars.

The applicant was requested via an Information Request issued on 28 May 2024 to prepare a Construction Environmental Management Plan (CEMP) addressing the following matters, with strategies to reduce or mitigate potential impacts:

- a) Protection of students, staff and visitors.
- b) The delivery of goods and materials including likely vehicle sizes, access points, traffic management strategies/ control measures/ controllers.
- c) The location of work zones, materials storage areas, site offices and facilities for construction workers, car parking for construction staff.
- d) Security lighting.
- e) Noise, water, air pollution control.
- f) Management of activities during exam times (including NAPLAN/ Trial and actual School Certificate and HSC exams).
- g) Management of activities/ deliveries during school drop off and pickup.

The applicant initially provided a letter response on 6 June 2024, which did not provide sufficient detail. A CEMP, prepared by Umwelt was submitted on 31 July 2024 and has been considered for the purposes of this assessment (See Attachment 3).

The CEMP has been prepared specifically in response to the Information Request and addresses:

- The current regulatory and statutory compliance framework within which the CEMP applies.
- A summary of the components of the proposal and timing of the construction phase.
- The environmental and risk management systems to be applied during construction.
- Emergency response and incident response procedures.
- Defines the roles and responsibilities of all stakeholders and provides a complaint handling process.
- Summarises the inspection, auditing, reporting and document review requirements.

While the CEMP does not provide measures such as a specific EMS Framework, Environmental Policy or risk assessment, it does identify the measures to be developed in conjunction with the successful building contractor. These measures have been included in a suitable condition of consent.

In terms of addressing the matters underpinning the Information Request, the CEMP has sufficiently demonstrated that a range of mitigation measures can be implemented to manage impacts during the construction phase. Measures identified by the CEMP include safety fencing, on-going communication between the school and builder, holding exams in the school hall (located furthest from the works), scheduling "no noise" days, traffic control

and acoustic security, pollution events and management of activities during peak site activities/ exam periods).

The CEMP also outlines measures such as inspections, audits and monitoring will be implemented to ensure environmental performance outcomes are being met. A suitable condition has been included in the conditions of consent requiring a final CEMP be prepared, providing full details of the mitigation measures to be adopted prior to the commencement of construction.

5. SUITABILITY OF THE SITE (s. 4.15(1)(c))

This planning report has demonstrated in detail that the Site remains suitable for the proposed development. The development is considered to meet the relevant objectives and performance requirements in the BVLEP 2013 and BVDCP 2013.

In summary, suitability is achieved given:

- The proposed development is permissible and will be consistent with the relevant Zone objectives.
- The development will respect the existing and desired future character of the immediate locality.
- Likely impacts from the proposal are reasonable.

6. REFERRALS AND STAKEHOLDER ENGAGEMENT (s. 4.15(1)(d))

6.1. EXTERNAL AGENCIES:

NSW Rural Fire Service:

The application was referred to the NSW RFS as the development triggered the Integrated Development provisions as a Bushfire Safety Authority pursuant to Section 100b of the Rural Fires Act 1997 is required.

The NSW RFS have advised that no objections are raised to the proposal, subject to inclusion of their General Terms of Approval in the consent.

6.2. INTERNAL DEPARTMENTS:

The application was referred to the following internal departments for comment:

- Water and Sewer Services.
- Building Services.

No objections were raised by either department, subject to standard conditions of approval.

6.3. PUBLIC NOTIFICATION

The proposed development was notified in accordance with Council's Development Control Plan 2013 for the required period between 18 March 2024 to 5 April 2024. Council did not receive any submissions in respect of the proposal.

6.4. SITE INSPECTION BY THE PANEL

An inspection of the Site was held by the Panel on 23 May 2024 with the Applicant and Council officers also present. Key issues discussed included:

- Development consent and land use history.
- Impact of reconfigured classrooms on future student learning.
- Popularity of the school - the need for floor space is the driver behind additions and changes.
- Not to accommodate increase in student numbers.
- Car parking and traffic management arrangements including:
 - i. Management arrangements through previous development consents.
 - ii. Drop off and pick up area.
 - iii. No Parking zone on Pambula Beach Road.
- Tree screening.
- Accessibility throughout the site including access to internal lifts.
- Construction period and noise management.
- Public exhibition completed with no submissions received.

As a consequence, the Panel requested further information be provided regarding:

- The purpose and necessity of the proposed perforated metal architectural screening shown on elevation plans, particularly from a design perspective.
- Need for a construction management plan to address noise, traffic, parking and student safety.
- Need for a detailed Operational Traffic Management Plan.

The applicant supplied the additional information on 31 July 2024 which provided revised plans (See Attachment 4). It is considered that the response provided by the applicant has been addressed including the purpose and necessity of the proposed perforated metal architectural screening shown on elevation plans from a design perspective.

7. DEVELOPER CONTRIBUTIONS

Contribution	Applies	Total Contribution \$
EPA Act s.7.12 (% of total project cost)	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA	\$86,768.00 to be applied
NSW State Government <u>Long Service Levy</u> (0.35 % of building and construction works costing \$25,000 or more (inclusive of GST))	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA	Condition to be applied requiring payment.
Other (e.g. Water and Sewer supply)	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NA	NA

8. THE PUBLIC INTEREST (s. 4.15(1)(d))

For the reasons mentioned above, the proposed development will have positive social, environmental and economic impacts that are considered to be in the public interest. It will provide for alterations and additions to a permissible use in the R3 zone and is consistent with the objectives of the zone. The proposal is of a compatible scale, height, bulk and massing of the existing school and would not result in any material adverse impacts for adjoining land uses.

9. CONCLUSION

The proposed works are to rationalise existing facilities and provide classrooms to better reflect curriculum needs without any increase in staff or student numbers. The proposal overall is considered satisfactory, having regard to the relevant statutory and non-statutory provisions and represents a reasonable form of development on the Site. The proposed development is permissible with consent and achieves the intent of the applicable statutory and non-statutory provisions.

The proposal is not expected to have any detrimental implications on the amenity of the area, subject to the mitigation measures applied via the recommended draft conditions of consent that includes the General Terms of Approval provided by the NSW Rural Fire Service.

Having regard to the applicable statutory and provisions, as well as the particular merits of the proposal, the development application is recommended for approval by the Panel.

10. RECOMMENDATION

That pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act, 1979, the Southern Regional Planning Panel in relation to Development Application No. 2023.299 for the proposed alterations and additions to the existing education facility at 64 Culgoa Crescent, Pambula Beach being Lot 388 DP750227 and Lot 485 DP728071:

- considers the findings and recommendations of this report.
- accepts and adopts all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the development application.
- grants consent for the application in respect of the proposal, subject to the conditions in the attached development consent.
- Incorporates the recommended conditions of consent into a Notice of Determination (see Attachment A).

Assessing officer:

Name: MICHAEL BREWER	Signature: 	Date: 9/8/2024
MARK FOWLER Planning Services Coordinator – Bega Valley Shire Council	Signature: 	Date: 14/11/2024

APPENDIX A: SITE PHOTOS – TAKEN 23 MAY 2024

PHOTO 1 – THE SITE VIEWED FROM CULGOA CRESCENT (PRIMARY SCHOOL BLOCK)



PHOTO 2 – BLOCK B VIEWED FROM THE ADJOINING SPORTSGROUND



PHOTO 3 – BLOCK C VIEWED FROM THE ADJOINING SPORTSGROUND



PHOTO 4 – BLOCK B FROM THE WEST



PHOTO 5 – LOOKING NORTHEAST AT BLOCK C

